IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WA.No. 2383 of 2007()

AGAINST THE JUDGEMENT IN WPC.33754/2006 Dated 19/07/2007
.....

APPELLANT: PETITIONER

SHAINY.P.,
D/O PONNAYYAN, AGED 26 YEARS,
RESIDING AT SAJI NIVAS, T.C.6/1905, SRA- 108,
KOTTHU ROAD, VATTIYOORKAVU, THIRUVANANTHAPURAM.

BY ADV. DR.K.P.KYLASANATHA PILLAY
SMT.SREEDEVI KYLASANATH

RESPONDENTS: RESPONDENTS
---

1. THE KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY,
OFFICE OF THE K.P.S.C.,
THIRUVANANTHAPURAM-4.

2. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

BY SRI.ALEXANDER THOMAS SC FOR PSC
GOVERNMENT PLEADER SRI. BENNY GERVASIS

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 15/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K. BASHEER, JJ

W.A. 2383/2007

Dated this the 15th day of October, 2007

JUDGMENT

Writ petition was preferred by the appellant seeking a writ of mandamus directing the respondents to allow the petitioner the benefit of communal reservation available to Latin Christian in view of Exts.P3 and P6 Certificates issued by the Revenue Authorities.

2. Petitioner has submitted an application before the PSC for appointment to the post of Assistant Surgeon. It is specifically stated in the application submitted to PSC that she belongs to Ezhava Community. But PSC rejected her application on the ground that though she claimed her community as Ezhava in the SSLC Book, at the time of verification of documents she failed to prove the caste status. Ext.P3 certificate issued by the Village Officer shows that she belongs to Latin Catholic other than Anglo Indian Community. Since the petitioner could not produce any certificate in support of her claim, PSC treated her as 'OC' candidate and rank list was also published by the PSC.

3. Learned counsel for the PSC submitted that as per clause 18 of the General conditions, claims made subsequent to the application can not be considered and proof submitted without proper claim cannot be entertained. Therefore, on the basis of Clause 18 of the General Conditions, PSC has rightly rejected the petitioner's application. Appeal lacks merit and the same is dismissed.

K.S.RADHAKRISHNAN
Judge

A.K. BASHEER
Judge

mrcs